

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA



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Department of Law & Judiciary

Legal Affairs Division

#### Notification

10/2/2005-LA

The Prevention of Money-Laundering (Amendment) Act, 2005 (Central Act No. 20 of 2005), which has been passed by the Parliament and assented to by the President of India on 21-5-2005 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 24-5-2005, is hereby published for general information of the public.

*Sharad G. Marathe, Under Secretary (Drafting).*

Panaji, 18th October, 2005.

### THE PREVENTION OF MONEY-LAUnderING (AMENDMENT) ACT, 2005

AN

ACT

to amend the Prevention of Money-Laundering Act, 2002.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

#### CHAPTER I

##### Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Prevention of Money-Laundering (Amendment) Act, 2005.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. *Amendment of section 2.*— In section 2 of the Prevention of Money-Laundering Act, 2002 (hereinafter referred to as the principal Act), after clause (n), the following clause shall be inserted, namely:—

‘(na) “investigation” includes all the proceedings under this Act conducted by the Director or by an authority authorised by the Central Government under this Act for the collection of evidence;’.

3. *Amendment of section 28.*— In section 28 of the principal Act,—

(a) in sub-section (1), for the words “High Court”, the words “High Court or is qualified to be a Judge of the High Court” shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The Chairperson or a Member holding a post as such in any other Tribunal, established under any law for the time being in force, in addition to his being the Chairperson or a Member of that Tribunal, may be appointed as the Chairperson or a Member, as the case may be, of the Appellate Tribunal under this Act.”.

4. Omission of section 29.— Section 29 of the principal Act shall be omitted.

5. Amendment of section 30.— In section 30 of the principal Act, for the words "terms and conditions of service", at both the places where they occur, the words and brackets "terms and conditions of service (including tenure of office)" shall be substituted.

6. Amendment of section 44.— In section 44 of the principal Act, in sub-section (1), in clause (b), the words "upon perusal of police report of the facts which constitute an offence under this Act or" shall be omitted.

7. Amendment of section 45.— In section 45 of the principal Act,—

(a) in sub-section (1), for the portion beginning with the words and figures "Notwithstanding anything contained in the Code of Criminal Procedure, 1973" and ending with the words "on 2 of 1974. his own bond unless—", the following shall be substituted, namely:

"Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no person accused of an offence punishable for a term of imprisonment of more than three years under Part A of the Schedule shall be released on bail or on his own bond unless—";

(b) after sub-section (1), the following sub-section shall be inserted, namely:

"(1A) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, or any other provision of this Act, no police officer shall investigate into an offence under this Act unless specifically authorised, by the Central Government by a general or special order, and, subject to such conditions as may be prescribed.";

(c) in sub-section (2), the words, brackets and letter "clause (b) of" shall be omitted.

8. Amendment of section 73.— In section 73 of the principal Act, in sub-section (2),—

(a) in clause (s), for the words "terms and conditions of service", the words and brackets "terms and conditions of service (including tenure of office)" shall be substituted;

(b) after clause (u), the following clause shall be inserted, namely:—

"(ua) conditions subject to which a police officer may be authorised to investigate into an offence under sub-section (1A) of section 45";

#### Notification

10/2/2005-LA

The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2005 (Central Act No. 19 of 2005), which has been passed by the Parliament and assented to by the President of India on 21-5-2005 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 24-5-2005, is hereby published for general information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 18th October, 2005.

THE GOVERNMENT OF UNION TERRITORIES  
AND THE GOVERNMENT OF NATIONAL  
CAPITAL TERRITORY OF DELHI  
(AMENDMENT) ACT, 2005

AN

#### ACT

further to amend the Government of Union Territories Act, 1963 and to amend the Government of National Capital Territory of Delhi Act, 1991.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

#### CHAPTER I

##### Preliminary

1. *Short title.*— This Act may be called Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2005.

## CHAPTER II

## Amendments to the Government of Union Territories Act, 1963

**2. Amendment of section 3.**— In section 3 of the Government of Union Territories Act, 1963 (hereafter in this Chapter referred to as the Union Territories Act), in sub-section (5), in the *Explanation*, in the proviso,—

(i) for the figures "2000", the figures "2026" shall be substituted;

(ii) for the figures "1971", the figures "2001" shall be substituted.

**3. Amendment of section 38.**— In section 38 of the Union Territories Act, in clause (b), for the words and figures "the Delimitation Commission Act, 1962", the words and figures "the Delimitation Act, 2002" shall be substituted.

**4. Amendment of section 43E.**— In section 43E of the Union Territories Act,—

(i) for the figures "2000", the figures "2026" shall be substituted;

(ii) for the figures "1971", the figures "2001" shall be substituted.

## CHAPTER III

## Amendment to the Government of National Capital Territory of Delhi Act, 1991

**5. Amendment of section 3.**— In section 3 of the National Capital Territory of Delhi Act, 1991, in the *Explanation*, for the proviso, the following proviso shall be substituted, namely:

"Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed as a reference to the 2001 census."

## Notification

10/2/2005-LA

The Navy (Amendment) Act, 2005 (Central Act No. 23 of 2005), which has been passed by the Parliament and assented to by the President of India on 23-6-2005 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 23-6-2005, is hereby published for general information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 18th October, 2005.

## THE NAVY (AMENDMENT) ACT, 2005

AN

ACT

further to amend the Navy Act, 1957.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

**1. Short title.**— This Act may be called the Navy (Amendment) Act, 2005.

**2. Amendment of section 3.**— In section 3 of the Navy Act, 1957 (hereinafter referred to as the principal Act), for clause (16), the following clause shall be substituted, namely:

(16) "Officer" means a commissioned officer and includes—

(a) a subordinate officer other than a petty officer;

(b) a commissioned officer re-employed as such;".

**3. Amendment of section 79.**— In section 79 of the principal Act, for the words "Provided further that", the following shall be substituted, namely:

"Provided further that in computation of the said period of three years, any time during which,—

(a) the commission of the offence was not known to the person aggrieved by the offence or to the authority competent to initiate action, the first day on which such offence comes to the knowledge of such person or authority, whichever is earlier;

(b) it was not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the authority investigating into the offence, whichever is earlier, shall be excluded:

Provided also that where the institution of the prosecution in respect of an offence has been stayed by an injunction or order, then, in computing the said period of three years, the period of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn shall be excluded:

Provided also that".

**4. Amendment of section 94.**— In section 94 of the principal Act, for sub-sections (1), (2), (2A) and (3), the following sub-sections shall respectively be substituted, namely:—

"(1) The Central Government may impose on any officer below the rank of commander one or more of the following punishments, namely:—

(a) forfeiture of seniority in rank of not more than twelve months;

(b) forfeiture of time for promotion of not more than twelve months;

(c) mulcts of pay and allowances.

(2) The Chief of the Naval Staff may impose on any officer below the rank of commander one or more of the following punishments, namely:—

(a) forfeiture of seniority in rank of not more than six months;

(b) forfeiture of time for promotion of not more than six months;

(c) mulcts of pay and allowances.

(2A) The Flag Officer Commanding-in-Chief of a naval command may, subject to regulations made under this Act, impose on any officer

below the rank of commander one or more of the following punishments, namely:—

(a) forfeiture of seniority in rank of not more than three months;

(b) forfeiture of time for promotion of not more than three months;

(c) severe reprimand or reprimand;

(d) mulcts of pay and allowances.

(3) The commanding officer of a ship may, subject to regulations made under this Act, impose on any subordinate officer one or more of the following punishments, namely:—

(a) forfeiture of seniority in rank of not more than three months;

(b) forfeiture of time for promotion of not more than three months;

(c) mulcts of pay and allowances."

**5. Amendment of section 133.**— In section 133 of the principal Act, for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) Any document purporting to be a report, under the hand of—

(a) any Chemical Examiner or Assistant Chemical Examiner to the Government;

(b) the Chief Inspector of Explosives;

(c) the Director of Finger Print Bureau;

(d) the Director of Haffkeine Institute, Bombay;

(e) the Director, Deputy Director or Assistant Director of a Central Forensic Science Laboratory or a State Forensic Science Laboratory;

(f) the Serologist to the Government,

upon any matter or thing duly submitted to him for examination or analysis, may be used as evidence in any proceeding under this Act.".

**6. Amendment of section 151.**— In section 151 of the principal Act,—

(a) in sub-section (1), for the word, brackets and figure "sub-section (2)", the words, brackets and figures "sub-sections (2) and (3)" shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Whenever any offender is sentenced by a court-martial to a term of imprisonment, in pursuance of this Act, not being imprisonment in default of payment of fine, the period spent by him in civil or naval custody during investigation, inquiry or trial of the same case, and before the date of order of such sentence, shall be set off against the terms of imprisonment imposed upon him, and the liability of such offender to undergo imprisonment on such order of sentence shall be restricted to the remainder, if any, of the term of imprisonment imposed upon him."

7. *Amendment of section 163.*— In section 163 of the principal Act, in sub-section (1), clause (e) shall be omitted.

8. *Insertion of new section 163A.*— After section 163 of the principal Act, the following section shall be inserted, namely:—

"163A. *Provision relating to parole.*— Where any person is tried under the provisions of this Act, the Central Government or the Chief of the Naval Staff or the Flag Officers Commanding-in-Chief of the Naval Commands may in the case of conviction either with or without conditions release the person on parole."

9. *Amendment of section 176.*— In section 176 of the principal Act, in clause (b), for the words "ten thousand rupees in value", the words "the prescribed amount not exceeding rupees one lakh in value" shall be substituted.

10. *Amendment of section 184.*— In section 184 of the principal Act, in sub-section (2), after clause (q), the following clause shall be inserted, namely:—

"(qa) the amount required to be prescribed under clause (b) of section 176;".

11. *Omission of Chapter XXII.*— Chapter XXII of the principal Act and the heading relating thereto shall be omitted.

#### Notification

10/2/2005-LA

The Hire-Purchase (Repeal) Act, 2005 (Central Act No. 31 of 2005), which has been passed by the Parliament and assented to by the President of India on 23-6-2005 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 23-6-2005, is hereby published for general information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 18th October, 2005.

#### THE HIRE-PURCHASE (REPEAL) ACT, 2005

AN

ACT

*to repeal the Hire-purchase Act, 1972.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Hire-purchase (Repeal) Act, 2005.

2. *Repeal of Act 26 of 1972.*— The Hire-purchase Act, 1972 is hereby repealed.

#### Notification

10/2/2005-LA/2266

The Citizenship (Amendment) Act, 2005 (Central Act No. 32 of 2005), which has been passed by the Parliament and assented to by the President of India on 24-8-2005 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 25-8-2005, is hereby published for general information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 9th November, 2005.

## THE CITIZENSHIP (AMENDMENT) ACT, 2005

AN

ACT

*further to amend the Citizenship Act, 1955.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

**1. Short title and commencement.**— (1) This Act may be called Citizenship (Amendment) Act, 2005.

(2) It shall be deemed to have come into force on the 28th day of June, 2005.

**2. Amendment of section 2.**— In section 2 of the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in sub-section (1),—

(i) for clause (ee), the following clause shall be substituted, namely:—

‘(ee) “overseas citizen of India” means a person registered as an overseas citizen of India by the Central Government under section 7A;’;

(ii) clause (gg) shall be omitted.

**3. Amendment of section 5.**— In section 5 of the principal Act, in sub-section (1), in clause (g), for the words “two years”, the words “one year” shall be substituted.

**4. Substitution of new section for section 7A.**— For section 7A of the principal Act, the following section shall be substituted, namely:—

**“7A. Registration of overseas citizens of India.**— The Central Government may, subject to such conditions and restrictions as may be

prescribed, on an application made in this behalf, register as an overseas citizen of India—

(a) any person of full age and capacity,—

(i) who is citizen of another country, but was a citizen of India at the time of, or at any time after, the commencement of the Constitution; or

(ii) who is citizen of another country, but was eligible to become a citizen of India at the time of the commencement of the Constitution; or

(iii) who is citizen of another country, but belonged to a territory that became part of India after the 15th day of August, 1947; or

(iv) who is a child or a grand-child of such a citizen; or

(b) a person, who is a minor child of a person mentioned in clause (a):

Provided that no person, who is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify, shall be eligible for registration as an overseas citizen of India.”.

**5. Omission of Fourth Schedule.**— The Fourth Schedule to the principal Act shall be omitted.

**6. Repeal and saving.**— (1) The Citizenship (Amendment) Ordinance, Ord. 2 of 2005 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.